Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

Minutes March 22, 2013

A meeting of the Planning Commission of the City of Saint Paul was held Friday, March 22, 2013, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners

Mmes. Merrigan, Noecker, Perrus, Shively, Thao, Wang, Wencl; and

Present:

Messrs. Connolly, Edgerton, Gelgelu, Makarios, Nelson, Ochs, Oliver, Schertler,

Spaulding, and Ward.

Commissioners

Mmes. *Porter, *Reveal, and Messrs. *Lindeke, and *Wickiser.

Absent:

*Excused

Also Present:

Donna Drummond, Planning Director; Patricia James, Lucy Thompson, Allan

Torstenson, Kate Reilly, Josh Williams, Hilary Holmes, and Sonja Butler,

Department of Planning and Economic Development staff.

I. Approval of minutes February 22nd and March 8, 2013.

MOTION: Commissioner Noecker moved approval of the minutes of February 22, 2013. Commissioner Perrus seconded the motion. The motion carried unanimously on a voice vote.

and

<u>MOTION</u>: Commissioner Noecker moved approval of the minutes of March 8, 2013. Commissioner Perrus seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond reported that the City Council approved the District 6 and District 10 boundary changes. The area south of Lake Como will become part of the District 10 Como Community Council area, effective January 1, 2014. There are a number of things that have to be done to prepare for that, including changing maps and district council bylaws. As part of the resolution the Council asked for a further analysis and recommendations on how these types of boundary changes should be approached in the future.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

One item to come before the staff Site Plan Review Committee on Tuesday, March 26, 2013:

■ Music Academy parking lot, repave existing parking lot at 27 East Geranium.

NEW BUSINESS

#13-149-246 Capitol Lien/Anthony Magnotta – Extension of existing determination of similar use/conditional use permit for vertical wind turbines in the B3 general business district. 1010 Dale Street North between Lawson and Hutch. (Kate Reilly, 651/266-6618)

Commissioner Perrus said that there were issues raised during the hearing, however a conditional use permit was issued and since a conditional use permit runs with the land, she does not think it is legal to place a two year limit as a condition. So their vote was procedural in that they do not have the authority to reapprove or do something different because no condition was violated.

Commissioner Spaulding said that they will be studying this issue in the future, so this should not be viewed as the way they will look at these cases in the future.

Upon the question of Commissioner Ward, Commissioner Nelson explained his dissenting vote. He does not believe that wind turbines are similar in use to cell towers, which was the basis of the determination. Also one of the conditions on page 5 of the original staff report is that the applicant apply for permanent approval under the specific new zoning code language for wind turbines. He wondered if there was still time for this to occur by June 24th. He also believes that the condition isn't strictly being met since it was met only 2 days prior to the Zoning Committee meeting with a one hour study for one day, which is not much of a study.

Commissioner Perrus reiterated that they do not have the legal authority to take away a conditional use permit because the courts have determined that a time limit on a conditional use permit is not valid, and there isn't a violation of a condition. She also feels it is improper to impose a condition on an applicant that is a responsibility of the City to meet. If the City has not adopted a new ordinance within the time limit, it is unreasonable to ask an applicant to meet that condition.

Commissioner Ward said that staff as well as those powers that be in the City should consider these comments when the ordinance is written.

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the extension of existing determination of similar use/conditional use permit subject to additional conditions. The motion carried 16-1 (Nelson) on a voice vote.

#13-149-241 Capitol Lien/Anthony Magnotta – Determination of similar use for vertical wind turbine with hybrid light fixture (wind and solar powered) in the B3 general business district. (Kate Reilly, 651/266-6618)

Commissioner Nelson announced that this case has been laid over to the March 28, 2013 Zoning Committee meeting.

Commissioner Nelson announced the items on the agenda at the next Zoning Committee meeting on Thursday, March 28, 2013.

V. Neighborhood Planning Committee

<u>District 9 Area Plan Amendments</u> – Recommendation to release draft amendments for public review and set public hearing for May 3, 2013. (*Lucy Thompson*, 651/266-6578)

Lucy Thompson, PED staff, briefed the Commission on the genesis of this work. In 2011, when the Planning Commission recommended rezonings along W. 7th and Grand/Ramsey as part of the District 9 Commercial Zoning Study, there was continued community interest in codifying design guidelines to address the interface between commercial and residential uses in this gateway area. City staff met with a working group convened by the W. 7th/Fort Road Federation and Little Bohemia Neighborhood Association to explore a range of planning and regulatory techniques to address outstanding urban design issues. After discussing several options, the group decided to prepare amendments to the *District 9 Area Plan Summary*, using the *Fort Road Design Guidelines* as its starting point. Ms. Thompson noted that the intent of including these design guidelines in the district plan is to clarify the neighborhood's urban design priorities, and to ensure that the guidelines are considered by City staff when zoning and other permits are requested.

In general, Commissioners were supportive of the proposed amendments, but questioned the intended use of the guidelines, and expressed some concern about potential conflict with zoning dimensional standards. For example, the section on "scale" recommends that the height of new construction be within 10% of the height of adjacent structures. If zoning would allow a taller building, there could be confusion about whether the Zoning Code or district plan takes precedence. Commissioners Perrus and Oliver stated that zoning would likely take precedence, since it is law, but that might not be apparent to a developer or property owner. Commissioner Noecker noted that the guidelines are best taken as an expression of community preferences. Commissioner Connolly expressed concern about the guidelines regarding scale, as well as those referring to compliance with LEED, and the cost of the preferred ways to meet the guideline (the "do's"). The Commission considered amending the proposed amendment language prior to releasing it for public review, but decided to leave them intact.

MOTION: Commissioner Shively moved on behalf of the Neighborhood Planning Committee to release the draft amendments for public review and set a public hearing on May 3, 2013. The motion carried unanimously on a voice vote.

Commissioner Oliver announced the item on the agenda at the next Neighborhood Planning Committee meeting on Wednesday, March 27, 2013.

VI. Comprehensive Planning Committee and Transportation Committee

Rating of Capital Improvement Budget Proposals for Consistency with the Comprehensive Plan – Approve resolution to transmit to CIB Committee. (Hilary Holmes, 651/266-6612)

Commissioner Spaulding said that the CIB proposals were organized into three categories. The Transportation Committee reviewed the Streets and Utilities proposals. There was a good

discussion at the committee, which decided to modify the rating for one of the proposals. The committee found everything that was submitted under Streets and Utilities was either significantly or generally supportive of the City's Comprehensive Plan goals.

Commissioner Merrigan said the Comprehensive Planning Committee reviewed the CIB proposals under the Community Facilities and Residential and Economic Development categories. The committee found that all the proposals were either significantly or generally supportive of Comprehensive Plan goals, with the exception of proposals from the Police, Fire and Library departments, which are not specifically addressed by the Comprehensive Plan.

<u>MOTION</u>: Commissioner Merrigan moved the Comprehensive Planning and Transportation Committee's recommendation to approve the resolution to transmit to the CIB Committee. The motion carried unanimously on a voice vote.

VII. Transportation Committee

Commissioner Spaulding announced the items on the agenda at the next Transportation Committee meeting on Monday, March 25, 2013.

VIII. Communications Committee

Commissioner Thao had no report.

IX. Task Force/Liaison Reports

Commissioner Merrigan announced that the Shepard Davern Task Force had its first meeting last Wednesday. They reviewed the existing area plans and transportation activities in the area. They will meet again on the second Tuesday in April.

Commissioner Noecker announced that the West Side Flats Community Task Force met last Thursday regarding its vision for the flats. They will be meeting on the second or third Thursday of every month. They will also host a community open house on April 1st.

X. Old Business

None.

XI. New Business

Chair Wencl announced that Patricia James is retiring and presented a resolution of appreciation for consideration by the Planning Commission. Chair Wencl read the resolution.

<u>MOTION:</u> Commissioner Oliver moved approval of the resolution honoring Patricia James. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

XII. Adjournment

Meeting adjourned at 9:41 a.m.

Recorded and prepared by Sonja Butler, Planning Commission Secretary Planning and Economic Development Department, City of Saint Paul

Respectfully submitted,

Donna Drummond Planning Director Approved April 5, 2013

(Date)

Daniel Ward II

Secretary of the Planning Commission

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